

# **CONSTITUTION OF THE ASSOCIATED STUDENTS OF THE UNIVERSITY OF CALIFORNIA, SAN DIEGO**

[Ap 2006-11-16; Am 2007-02-01, Am 2008-05-14, Am 2009-04-08, Am 2009-04-16, Am 2013-10-23, Am 2014-03-14, Am 2014-11-25, Am 2015-2-09, Am 2015-2-19, Am 2015-2-25, Am 2015-4-22, Am 2015-4-27, Am 2016-3-8, Am 2020-3-11, Am 2021-2-3]

## **ARTICLE I**

### **Name**

The name of this Association shall be the Associated Students of the University of California, San Diego, hereinafter referred to as the "ASUCSD."

## **ARTICLE II**

### **Mission**

The object of this Association shall be to exercise the rights and responsibilities of students to participate in the governance of the University; to manage, invest and maintain the assets of the Association; to create and execute programs which serve the collective interests of the undergraduate population; and to advocate for students within the University, the community, the state, and the nation.

## **ARTICLE III**

### **Members**

Any person enrolled as an undergraduate student at the University of California, San Diego shall be a member of the ASUCSD.

## **ARTICLE IV**

### **Distribution of Powers**

#### **Section 1. Division**

ASUCSD shall be organized into three branches: the legislative, the executive, and the judicial.

- (1) The legislative branch shall consist of the Senate
- (2) The executive branch shall consist of the AS Cabinet
- (3) The judicial branch shall consist of the Judicial Board

#### **Section 2. Power**

No person or group of persons in any one of these branches shall exercise power belonging to another branch, except as outlined below.

## **ARTICLE V**

### **Officers**

#### **Section 1. Officers**

The Officers of the ASUCSD, hereinafter referred to as “the Officers,” shall be a President, a Vice-President Campus Affairs, a Vice-President External Affairs, and a Financial Controller.

(a) The Officers with the exception of Financial Controller shall be elected annually to a term that begins at end of meeting on Wednesday of Eighth Week Spring Quarter and ends when their successors’ terms begin.

## **Section 2. Eligibility**

The Officers shall be members of the ASUCSD and shall not hold any other voting position on the Assembly. The Officers shall have no less than a 2.5 cumulative grade point average.

# **ARTICLE VI**

## **Duties of Officers**

### **Section 1. President**

(a) The President shall be the chief executive officer of the ASUCSD.

(b) The President shall serve as the official representative of the ASUCSD.

(c) The President shall chair the Associated Students Cabinet, herein referred to as “the Cabinet,” which consists of the President, the Vice-Presidents, the Associate Vice- Presidents, and other designated positions.

(d) The President shall be an ex-officio member of all subordinate bodies of the ASUCSD, with the exception of Judicial Board

(e) The President shall be an ex-officio member of the Senate.

(f) The President shall formulate and submit to the Senate for consideration an annual executive budget recommended for the operation of the ASUCSD, with consent and advice from the Financial Controller.

(g) The President shall sign a Memorandum of Understanding hereinafter referred as “MOU”, on behalf of the ASUCSD with the consent of the Senate. The President’s signature is required to make any ASUCSD MOU valid.

(h) The President shall call and set the dates of a Special Election.

(i) The President or President-Elect shall appoint or dismiss only the members of the Cabinet. The term of office of each cabinet member listed below in this subsection expires when a successor is appointed.

(1) Associate Vice-President Academic Affairs

(2) Associate Vice-President College Affairs

(3) Senior Associate Vice-President Student Advocacy

(4) Associate Vice-President Food and Housing Resources

(5) Associate Vice-President Transportation and Transformation

(j) In the event of a vacancy in any Associate Vice-President listed in the previous subsection, the President may appoint a replacement on an interim basis for a maximum of twenty-five academic days, provided, however, that this power may only be used once per vacancy without consent of Senate.

(k) The President shall perform other duties applicable to the office as prescribed by the Assembly.

### **Section 2. Vice-President Campus Affairs**

(a) In the event of a vacancy in the office of President, the Vice-President Campus Affairs shall become President for the remainder of the term. The Senate shall prescribe the line of

succession for the event of a simultaneous vacancy in the offices of President and Vice-President Campus Affairs.

(b) In the event that the President is unable to discharge the powers and duties of the office, the President may in writing transmit their powers and duties to the Vice-President Campus Affairs as Acting President. Once the President regains the ability to discharge the powers and duties of the office, the President may in writing relieve the Vice-President of Campus Affairs of all Presidential duties.

(c) The Vice-President Campus Affairs shall represent the ASUCSD on designated campus committees as needed, with such exceptions as the Assembly may prescribe.

(d) The Vice-President Campus Affairs or Vice-President Campus Affairs-Elect shall appoint or dismiss only the members of the Cabinet. The term of office of each cabinet member listed below in this subsection expires when a successor is appointed.

- (1) Senior Associate Vice-President Concerts and Events
- (2) Associate Vice-President Spirit and Athletics
- (3) Associate Vice-President Equity, Diversity, and Inclusion
- (4) Associate Vice-President of Environmental Justice Affairs
- (5) Associate Vice-President Health and Well-Being

(e) The Vice-President Campus Affairs shall chair the Senate.

(f) The Vice-President Campus Affairs shall perform other duties applicable to the office as prescribed by the Assembly.

### **Section 3. Vice-President External Affairs**

(a) The Vice-President External Affairs shall serve as the University of California Student Association (UCSA) representative and voting board member from ASUCSD

(b) The Vice-President External Affairs shall appoint or dismiss only the members of the Cabinet listed below. The term of office of each cabinet member listed below in this subsection expires when a successor is appointed.

- (1) Associate Vice-President Local Affairs

(d) The Vice-President External Affairs shall perform other duties applicable to the office as prescribed by the Assembly.

### **Section 4. Financial Controller**

(a) The Financial Controller shall advise the President and the Assembly on all financial matters.

(b) The Financial Controller shall oversee the enforcement of all ASUCSD policies and procedures concerning expenditures of the activity fee.

(c) The Financial Controller shall appoint or dismiss only the members of the Cabinet listed below. The term of office of each cabinet member listed below in this subsection expires when a successor is appointed.

- (1) Senior Associate Vice-President Student Organizations
- (2) Associate Vice-President Enterprises and Services

(d) The Financial Controller shall perform other duties applicable to the office as prescribed by the Assembly.

(e) The Financial Controller shall be an appointed member of the Assembly.

## **Section 5. Veto Power**

(a) The elected officers can veto any decision made by Senate by a 2/3 vote. The Financial Controller may only vote in a veto in case of a decision directly regarding the AS budget and pulling funds from Mandate Reserves, at which point the veto will require a ¾ vote.

(b) The Senate can move to override the officers' veto by a 3/4 vote.

(c) The officers may not veto any override by the Senate.

## **ARTICLE VII**

### **Senate**

#### **Section 1. Composition**

The voting membership of the Senate, herein referred to as "Senate", shall consist of:

(a) Two Senators from each College elected at-large by the students of that College;

(b) One Senator from each of the academic divisions that have undergraduate programs elected at-large by the students who are enrolled in a major in that academic division;

(c) Five Senators elected at-large by the ASUCSD;

(d) Two Senators from the freshman class, appointed in the Fall Quarter by a committee prescribed by the Senate to a term of one academic year with the consent of the Senate;

(e) One Senator that is a transfer student, appointed in the Fall Quarter by a committee prescribed by the Senate to a term of one academic year with the consent of the Senate. One Senator who is a transfer student elected at-large by the ASUCSD;

(f) Two Off Campus Senators elected at-large by the ASUCSD;

(g) One Out-of-State Senator elected at-large by the ASUCSD;

(h) One International Senator elected at-large by the ASUCSD;

(i) Officers shall be ex-officio members of the Senate.

#### **Section 2. Eligibility**

The voting membership of the Senate shall be members of the ASUCSD and shall not hold more than one voting position on the Senate. All members shall maintain good academic standing during the election period and throughout their terms.

#### **Section 3. Election Procedure and Terms of Office**

The elected voting membership of the Senate shall be elected annually to a term that begins at end of meeting on Wednesday of Eighth Week Spring Quarter and ends when their successors' terms begin, with the exception of College Senators whose terms shall be dictated by the college councils. The Senate shall establish the rules and procedures of the election, provided, however, that voting must end on Friday of Second Week Spring Quarter and take place for at least five academic days.

In the instance of a campus-wide emergency, a committee may be formed made up of the AS President, AS Vice President of Campus Affairs, AS Vice President of External Affairs, AS Financial Controller, and AS Elections Manager. If a member of the committee is a candidate, that member must recuse themselves from the committee. The committee will have the authority, by a majority vote, to temporarily implement new policies and change existing ones, that may or may not be consistent with existing policies, in regards to campus-wide AS Elections that are consistent with the spirit of the Election Code. The AS Senate must be notified by email a minimum of three hours in advance of any meeting of the committee in which a decision shall be voted on. Senators who are not candidates themselves shall be permitted to attend said meeting and vote on proposed changes. Any changes to election policies shall be made public to candidates by the AS Elections Manager.

These election rules and procedures may not be amended or suspended during the time period between when the first candidate has filed for office and the certification of the results for that election; additionally, these election rules and procedures may not be amended during the time period between when a Special Election has been called by the President and the certification of the results for that election.

#### **Section 4. Duties and Powers**

The Senate shall have the power to:

- (a) Control all ASUCSD funds and appropriate those funds as they see fit in consultation with the executive board unless the students, through the fee referendum process, lock-in portions of ASUCSD funds to certain financial areas;
- (b) Supervise and maintain the properties and investments of the ASUCSD;
- (c) Write and maintain the rules, policies, and procedures of the ASUCSD or any office thereof;
- (d) Represent the interests and opinions of UCSD undergraduate students;
- (e) Take any action to carry out the powers and duties listed in the Constitution as it pertains to the Senate
- (f) Delegate and revoke the delegation of any of the aforementioned powers to other entities within the ASUCSD.

## **Section 5. Campus-based Student Fees**

- (a) To establish, increase, reduce, or eliminate any campus-based student fee through the process of a student fee referendum, the Senate must, by a two-thirds vote, place a fee referendum on a ballot for the undergraduate students to vote on.
- (b) If the change in the campus-based student fee would affect both undergraduate and graduate students, the Senate, by a two-thirds vote, and the Graduate Student Association must both agree to place a fee referendum on a ballot for undergraduate, graduate, and professional students to vote on.
- (c) Before placing a facility-fee referendum on the ballot, the involved student government(s) must approve a facility board charter conforming to the following requirements:
  - (1) The sole purpose of the facility board must be to oversee the facility, with jurisdiction including annual review and approval of the operating budget, space allocation, rent assessments, custodial standards, capital improvements, maintenance and renovation, purchase of equipment, and hours of operation.
  - (2) Students as a proportion of facility board voting members must be no less than student fees as a proportion of total facility funding, excluding generated revenue.
  - (3) If more than half of facility funding (excluding generated revenue) will come from student fees, then the facility board must be chaired by a student, and the student members of the facility board shall be involved in the selection and regular review of key administrative personnel for the facility. If a facility board already exists for the facility, it must be reconstituted to conform to the above requirements.
- (d) For a referendum that establishes or increases a campus-based student fee, the following information must be included in the ballot language:

(1) The purpose of the fee. For facility fees, the services and amenities that will be provided in the new facility must be listed, as well as the planned location and approximate gross square footage of the facility. For activity fees, the type(s) of activities supported by the fee must be listed as specifically as possible, as well as which campus department(s) will receive and allocate the funds.

(2) The body that will oversee the fee. For facility fees, a facility board (described earlier) must be designated, and a reference to the facility board charter included. For activity fees, the involved student government(s) shall have oversight of the fee, and must annually review and approve the operating budget.

(3) For facility fees, the dollar amount per quarter for debt repayment, and the dollar amount per quarter for maintenance and operation. The debt-retirement period must be specified in years or months.

(4) The total dollar amount per quarter of the fee. For facility fees, this is equal to the sum of the amounts described above for debt repayment and for maintenance and operation.

(5) When the fee will begin to be collected.

(e) For a referendum that establishes or increases a campus-based student fee, the following sentences must appear in the ballot language:

(1) "This fee will be included in the determination of financial aid."

(2) "Annual budget reports will be made public and provided to all UCSD student governments."

(3) "Modifications to this fee may not be made without a subsequent student referendum held in accordance with the appropriate student governmental and University policies, unless other means are explicitly provided in this ballot language."

(f) For a referendum that establishes or increases a facility fee, the following sentences must appear in the ballot language:

(1) "No additional debt may be levied against this fee, nor may an increase of the debt-retirement period be made, without a subsequent student referendum held in accordance with the appropriate student governmental and University policies."

(2) "After the debt-retirement period specified herein, the debt-repayment portion of the fee, also specified herein, shall not be collected."

(3) "A Building Advisory Committee (BAC) shall oversee the planning, design, and construction of the facility, shall have students as a proportion of voting members no less than student fees as a proportion of total facility funding, and shall have a student co-chair elected by the student membership of the BAC."

(4) "Other funds that become available after the referendum may be applied to the reduction of this fee by decision of the facility board."

(g) For any fee referendum to be approved, a majority of votes cast in the fee referendum election must approve the change in the campus-based student fee. Additionally, the number of students casting ballots must equal or exceed 20% of the registered students affected by the fee at the time the election is held.

(h) If the fee referendum is approved in the election and approved and implemented by the administration, the language of the referendum is binding on the Senate unless it conflicts with

this Constitution. In this way, the students may lock-in portions of a campus-based student fee to certain financial areas by placing language to that effect in the referendum question.

### **Section 6. Vacancies**

In the event of a vacancy in the voting membership of the Senate except the Senators from the Colleges, the President may appoint a replacement for the remainder of the term with the advice and consent of the Senate. In the event of a vacancy in any of the Senators from the Colleges, the College Council thereof may appoint a replacement for the remainder of the term; however, the College Council may not appoint an individual that was previously removed from that office in that same term.

In the event of a vacancy in any of the Officers, the President may appoint a replacement on an interim basis for a maximum of twenty-five academic days, provided, however, that this power may only be used once per vacancy.

### **Section 7. Speaker**

The Senate shall elect a Speaker of the Senate, herein referred to as "the Speaker," who shall serve as the presiding officer until a successor is elected. The Speaker shall not be a voting member of Senate.

If the Speaker is not able to be present at a meeting or is temporarily unable to serve as the presiding officer, the Speaker should designate a member of the Senate to serve as the presiding officer for the period of time in which the Speaker is unable to preside. If the position of Speaker is vacant or if the Speaker is not present at a meeting and did not designate a member of the Senate to serve as the presiding officer, the President shall serve as the presiding officer or designate a member of the Senate to serve as the presiding officer.

In addition to the duties as presiding officer, the Speaker shall have any other powers the Senate may assign.

### **Section 8. Meetings**

The Senate shall hold regular meetings weekly during the academic year at a time prescribed by the Senate. The Senate may, by a majority vote, cancel a regular meeting. Special meetings may be called by the President or by a petition presented to the Speaker containing the signatures of a majority of the voting membership of the Senate. A majority of the voting membership of the Senate shall constitute quorum.

All meetings of the Senate shall be open to the public except when dealing with matters of personnel, existing or anticipated litigation, license or permit determination, threat to public services or facilities, labor negotiations, investments, contracts, or real property negotiations.



AS Cabinet and Senate are required to have at least one joint meeting per academic quarter. The annual ASUCSD budget and ASUCSD summer budget can only be approved in a joint meeting

### **Section 9. Review Referendum**

The ASUCSD may review an action of the Senate in the following manner:

- (a) A petition must be submitted to the President with the signatures of at least ten percent of the members of the ASUCSD. This petition must clearly state which action of the Senate is being petitioned for review by the ASUCSD, and the petition must be submitted within twenty-one academic days of the action of the Senate. Each signature on the petition must include a printed name, a signature, and the last four digits of the student's UCSD PID number.
- (b) Upon receipt of a valid petition, the President shall call a campus-wide special election within thirty academic days where the members of the ASUCSD shall vote on the question of whether to uphold the decision of the Senate, unless an election is already scheduled to take place within fifty academic days, in which case the question shall instead appear on that ballot. The Senate shall establish the rules and procedures of the election, provided, however, that voting must take place for at least five academic days.
- (c) During the interval between the submission of the petition and the election, all related actions and any associated expenditure of funds shall be suspended.
- (d) The number of students casting ballots must equal or exceed 10% of the registered students affected by the petition at the time the election is held. If a simple majority of those casting ballots disapprove of the action of the Senate, the action of the Senate is reversed, and the members of the Senate shall make a good faith effort to honor the result of the referendum for at least one academic year. If a decision of the Senate has been reversed, the Senate may not take any action for one academic year that would have the same effect as the action that was reversed.

### **Section 10. Removal From Office**

The Senate may, by a two-thirds vote, impeach a voting member of the Senate or a member of the Associated Students Judicial Board on one or more of the following grounds:

- (a) Misuse of funds
- (b) Unsatisfactory attendance
- (c) Failure to perform duties
- (d) Improper or unethical use of authority
- (e) Willful violation of ASUCSD rules, policies, or procedures

If a member is impeached, the Associated Students Judicial Board shall convene to confirm removal of the member. If the Associated Students Judicial Board finds the member responsible of any of the charges- and assuming all procedures for removal from office were appropriately followed- the Associated Students Judicial Board shall confirm the members removal from office.

If a member other than the President is ineligible to serve in the position the member currently serves in, the President shall, after giving the member the opportunity to resign, declare the

member ineligible for office by informing the Senate, and the position shall become vacant five academic days thereafter. If the President is ineligible to serve in the office of President, the

Vice-President Campus Affairs shall, after giving the President the opportunity to resign, declare the President ineligible for office by informing the Senate, and the position shall become vacant five academic days thereafter.

A voting member of the Senate or a member of the Associated Students Judicial Board may not be removed from office by any means other than the procedures in this section.

## **ARTICLE VIII**

### **AS Cabinet**

#### **Section 1. Composition**

The membership of the Cabinet, herein referred to as "The Cabinet" shall consist of:

- (a) The Officers
- (b) The Associate Vice Presidents
- (c) and other such boards, commissions, committees, other agencies and organizations authorized by the Senate to execute the policies and programs of the Associated Students therein established.

#### **Section 2. Duties**

- (a) To prepare and present the annual ASUCSD budget for approval by the Senate.
- (b) To administer the annual budget as approved by the Senate.
- (c) To carry out the duties and responsibilities of their respective offices
- (d) To provide and maintain services to ASUCSD
- (e) To carry out any additional duties as outlined in the Standing rules

## **ARTICLE IX**

### **Judiciary**

#### **Section 1. Authority**

The judicial authority for the ASUCSD shall be vested in one Associated Students Judicial Board and shall extend to all cases and controversies arising under this Constitution or any of the rules of the ASUCSD or its subordinate bodies.

#### **Section 2. Composition**

There shall be seven members of the Associated Students Judicial Board appointed by the Officers with the consent of the Senate to a term that expires when the person ceases to be a member of the ASUCSD. Only members of the ASUCSD shall be eligible to serve as a member of the Associated Students Judicial Board. No member of the Associated Students Judicial Board shall also serve in the Cabinet or as a voting member on the Senate.

#### **Section 3. Rules of Procedure**

If the rules and procedures of the Associated Students Judicial Board are to be changed, then the consent of both Senate and Judicial Board are needed.

## **ARTICLE X**

### **Parliamentary Authority**

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Association in all cases to which they are applicable and in which they are not inconsistent with this Constitution and any other rules the Association may adopt.

## **ARTICLE XI**

### **Amendments**

#### **Section 1. Proposing Amendments**

The Senate may, by a three-fourths vote of the entire voting membership, propose amendments to this Constitution.

#### **Section 2. Ratification of Amendments**

Amendments to this Constitution shall be ratified upon approval of two-thirds of the College Councils or a majority vote of the ASUCSD. Amendments must be ratified within one academic year of the date the amendment was propose

